

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

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C. A. No. 3:03-441-22

Chem-Nuclear Systems, L.L.C., a Delaware
limited liability company, *et al.*,

Plaintiffs,

v.

James Braun, Tracy Barker, Kelly McCurry,
Sharra Arnold, Carl Rowland, Cam
Abernethy, and Mike Mohundro,

Defendants.

ORDER

Chem-Nuclear Systems, L.L.C., a Delaware
limited liability company, *et al.*,

Plaintiffs,

v.

AVANTech, Inc., a South Carolina
Corporation,

Defendant.

C. A. No. 3:03-442-22

It appears to the Court that the plaintiffs have withdrawn their request for the remedy of damages and a jury trial with respect to the plaintiffs' claims in these cases that the defendants have infringed the '274 patent and that the parties agree that the withdrawal is with prejudice to the plaintiffs' right to ever again seek damages or a jury trial with respect to the plaintiffs' claims in these cases that the defendants have infringed the '274 patent or a jury trial with respect to defendants' claims in these cases that the '274 patent is invalid but that said withdrawal is without prejudice to the plaintiffs' claims for injunctive relief and it further appears that the parties now agree that the defendants' claims that the '274 patent is invalid or unenforceable should be tried by the Court in view of the plaintiffs' withdrawal of their request for damages and a jury trial. Accordingly,

IT IS ORDERED as follows:


1. The plaintiffs' request for the remedy of damages for infringement of the '274 patent in these cases is withdrawn with prejudice to the right of plaintiffs to ever again request such relief with respect to any

alleged infringement of the '274 patent as stated in their complaint or which could have been stated in their complaint with the exercise of due diligence;

2. The plaintiffs' right to demand a trial by jury on plaintiffs' claim for infringement or defendants' claim of invalidity of the '274 patent in these cases is withdrawn with prejudice and may not be reasserted ever again in these cases;

3. This order is without prejudice to plaintiffs' claims for injunctive relief for alleged infringement of the '274 patent in these cases; and

4. The defendants' counterclaim for a declaratory judgment of invalidity and unenforceability of the '274 patent will be tried by the Court without a jury.


Cameron McGowan Currie
United States District Judge

Columbia, SC

October 4, 2005